

ORDINANCE NO. 2008 -008

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT LANTANA/LYONS COMMERCIAL (SCA 2007-040); MODIFYING PAGE 81 BY CHANGING A 2.25 ACRES PARCEL OF LAND LOCATED ON SOUTH SIDE OF LANTANA ROAD, APPROXIMATELY 1,400 FEET EAST OF LYONS ROAD, FROM LOW RESIDENTIAL, TWO UNITS PER ACRE (LR-2) TO COMMERCIAL LOW (CL) WITH UNDERLYING LOW RESIDENTIAL (LR-2) ON 1.506 ACRES AND COMMERCIAL LOW WITH CROSSHATCHING AND UNDERLYING 2 UNITS PER ACRE (CLX/2) ON 0.744 ACRES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearing on September 7, 2007, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendment to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

1 WHEREAS, the Palm Beach County Board of County Commissioners has
2 determined that the amendment complies with all requirements of the
3 Local Government Comprehensive Planning and Land Development
4 Regulation Act.

5 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
6 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

7 Part I. Amendments to the Future Land Use Atlas of the Land Use
8 Element of the 1989 Comprehensive Plan

9 The following amendment to the Future Land Use Element's Future
10 Land Use Atlas is hereby adopted and is attached to this Ordinance:

11 A. Future Land Use Atlas page 81 is amended as follows:

12 Application No.: Lantana/Lyons Commercial (SCA-2007-040)

13 Amendment: From Low Residential, two units per acre
14 (LR-2) to Commercial Low with underlying
15 two dwelling units per acre (CL/2) for
16 approximately 1.506 acres and to Commercial
17 Low with Crosshatching with underlying two
18 dwelling units per acre (CLX/2) for
19 approximately 0.744 acres;

20 General Location: South side of Lantana Road, approximately
21 1,400 feet east of Lyons Road;

22 Size: Approximately 2.25 acres;

23 Part II. Repeal of Laws in Conflict

24 All local laws and ordinances applying to the unincorporated area
25 of Palm Beach County in conflict with any provision of this ordinance
26 are hereby repealed to the extent of such conflict.

27 Part III. Severability

28 If any section, paragraph, sentence, clause, phrase, or word of
29 this Ordinance is for any reason held by the Court to be
30 unconstitutional, inoperative or void, such holding shall not affect
31 the remainder of this Ordinance.

32 Part IV. Inclusion in the 1989 Comprehensive Plan

33 The provisions of this Ordinance shall become and be made a part
34 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
35 Ordinance may be renumbered or relettered to accomplish such, and the
36 word "ordinance" may be changed to "section," "article," or any other

appropriate word.

Part V. Effective Date

This amendment shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the amendment is in compliance.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 24th day of March, 2008.

ATTEST:

SHARON R. BOCK, CLERK

PALM BEACH COUNTY, FLORIDA,

BY ITS BOARD OF COUNTY COMMISSIONERS

By:

Judith Bock
Deputy Clerk

By:

Addie L. Greene
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

[Signature]
COUNTY ATTORNEY

Filed with the Department of State on the 31st day of March, 2008.

EXHIBIT 1

Amendment No.: Lantana/Lyons Commercial (SCA-2007-040)

FLUA Page No.: 81

Amendment: From Low Residential, Two Units per Acre (LR-2) to Commercial Low with an underlying Residential Designation of Two Units per Acre (CL/2) and designating a .744 acre area on the southeast portion of the subject property to be crosshatched (CLX/2)

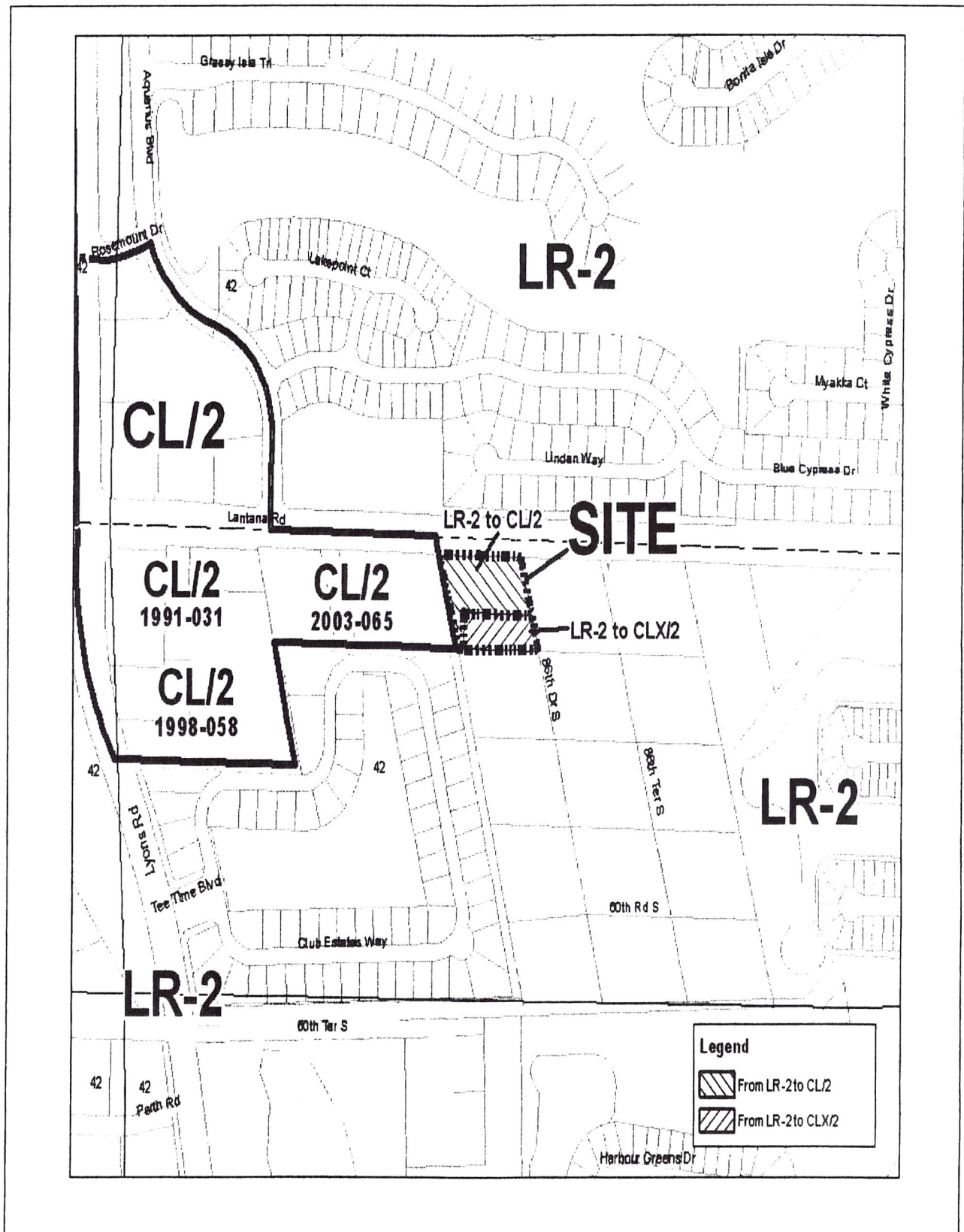
Location: South side of Lantana Road, approximately 1,400 feet east of Lyons Road

Size: 2.25 acres

Property No.: 00-42-44-41-00-041-0051

Legal Description: See Attached

Condition: None



Legal Description

A PARCEL OF LAND BEING A PORTION OF LOT 3, TRACT 41, PALM BEACH FARMS COMPANY PLAT NO. 13, AS RECORDED IN PLAT BOOK 6, AT PAGES 98 AND 99 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 3: THENCE SOUTH 14°34'26" EAST ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 57.25 FEET TO A POINT ON A LINE 55.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 3, AND THE POINT OF BEGINNING OF THE PARCEL TO BE HEREIN DESCRIBED: THENCE SOUTH 88°28'04" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 343.14 FEET TO A POINT ON A LINE 329.67 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) THE WEST LINE OF SAID LOT 3: THENCE SOUTH 14°34'26" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 183.19 FEET: THENCE NORTH 88°28'04" WEST, A DISTANCE OF 281.53 FEET; THENCE SOUTH 01°31'56" WEST, A DISTANCE OF 109.00 FEET; THENCE NORTH 88°28'04" WEST. A DISTANCE OF 30.14 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 3: THENCE NORTH 14°34'26" WEST ALONG THE WEST LINE OF SAID TRACT 3, A DISTANCE OF 296.64 FEET TO THE POINT OF BEGINNING AFORE DESCRIBED.

CONTAINING 1.501 ACRES, MORE OR LESS.

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT 3, TRACT 41, PALM BEACH FARMS COMPANY PLAT NO. 13, AS RECORDED IN PLAT BOOK 6, AT PAGES 98 AND 99 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 3; THENCE SOUTH 14°34'26" EAST ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 353.89 FEET TO A POINT ON A LINE 340.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 3; THENCE SOUTH 88°28'04" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 30.14 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE HEREIN DESCRIBED; THENCE NORTH 01°31'56" EAST, A DISTANCE OF 109.00 FEET; THENCE SOUTH 88°28'04" EAST, A DISTANCE OF 281.53 FEET; THENCE SOUTH 14°34'26" EAST, A DISTANCE OF 113.45 FEET; THENCE NORTH 88°28'04" WEST, A DISTANCE OF 313.00 FEET TO THE POINT OF BEGINNING AFORE DESCRIBED.

CONTAINING 0.744 ACRES, MORE OR LESS.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on March 24, 2008
dated at West Palm Beach, FL on 4/8/08
By: Diane Brown
Deputy Clerk

